

DAILY PACIFIC NEWS.

THURSDAY MORNING, FEB. 6, 1881.

AGENTS FOR THE PACIFIC NEWS.
San Francisco, Cal., Joseph Grant.
San Jose, Cal., J. H. Grant.
Benicia, Cal., J. H. Grant.
New York, N. Y., J. H. Grant.
New Orleans, La., J. H. Grant.
St. Louis, Mo., J. H. Grant.
Chicago, Ill., J. H. Grant.
Philadelphia, Pa., J. H. Grant.
Boston, Mass., J. H. Grant.
London, Eng., J. H. Grant.
Paris, Fr., J. H. Grant.
Berlin, Pr., J. H. Grant.
Vienna, Aust., J. H. Grant.
Rome, Ital., J. H. Grant.
Naples, Ital., J. H. Grant.
Genoa, Ital., J. H. Grant.
Marseilles, Fr., J. H. Grant.
Lyons, Fr., J. H. Grant.
Bordeaux, Fr., J. H. Grant.
Nantes, Fr., J. H. Grant.
Brest, Fr., J. H. Grant.
Rouen, Fr., J. H. Grant.
Amsterdam, Hol., J. H. Grant.
Brussels, Bel., J. H. Grant.
Antwerp, Bel., J. H. Grant.
Ghent, Bel., J. H. Grant.
Louvain, Bel., J. H. Grant.
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Berlin, Pr., J. H. Grant.
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Antwerp, Bel., J. H. Grant.
Ghent, Bel., J. H. Grant.
Louvain, Bel., J. H. Grant.

The Accumulation of Capital.
The peculiar condition of financial affairs in this State, has elicited numerous opinions as to the proper course to be pursued, to keep within ourselves a larger proportion of the precious metal we produce so liberally. We labor under the want of capital to a great degree, but the remedy is not to be found in any of the specifics proposed by those who would prescribe for our relief. One writer suggests a prohibition of the export of gold, unless under certain restrictions; while another is equally confident that coining the produce of our mines, will keep the money, or what in other countries is fixed capital, among ourselves. Neither of these positions are correct as a moment's reflection will show. California three years since was an utterly worthless country, simply because her mineral wealth had not been made available through the employment of labor, the sole source of wealth. Gold is not wealth, or capital of itself, it is labor represented in accumulated gold, the universal representative of fixed capital or labor.

To produce this capital, California was obliged to import all her labor; not only the manual labor that raises the ore from the placer, but she was obliged to import the labor of tens of thousands of other laborers, who by sending provisions, building materials, ships, in short, the endless catalogue of articles, that are directly or remotely employed in developing the mineral resources of the State. Every branch of labor that thus depends upon our mines, sees in them the only source from whence their labor is to be paid. As the great mass of this labor in the shape of goods comes from sources foreign to the State, so in the natural course of trade must such a portion of the gold dug, be sent from us to pay for the labor thus used in the mines; leaving in California merely the profits of the labor here used, that is, the gold dug beyond the cost of digging it. This, with the money and merchandise brought and owned here, constitute the capital of our State, and the sooner we become aware of this fact, and cease to consider all our produce as our own capital, we shall understand why California must export such a large proportion of the gold produced.

Allowing this position to be the true one, and we do not think it can be disputed successfully, is it not plain to be seen that our greatest evil lies in the want of capital, and that we should, by a liberal legislation, seek to draw it hither, so that by its use we can make large profits upon our labor and thus accumulate capital of our own. Can any one deny that the profits of all departments of labor enable us to pay for the use of capital, a premium that would ruin a man engaged in a similar employment, where the profits are not a tenth of those made here. While such a state of things exists, is it not suicidal to attempt to circumscribe the energies of our people by refusing to allow them to exercise their judgment in procuring capital, upon the use of which so large a profit can be made. The true policy of the State is to offer no obstruction to the free use of capital, trusting to the laws of trade to keep its value at the proper standard. It is folly to cry out against the export of gold as though we were robbed of it; by so doing, we only show ignorance of the simplest law of trade. Gold is our only export, and until we produce all we consume while digging it, so long must it leave us. As well might the South bewail the export of her cotton, or Pennsylvania her coal, as we the loss of our gold. We can only retain the profit of producing it. This profit has enriched us beyond what has ever been recorded in any nation; but our success should not delude us into thinking that gold mining is exclusively profit, and express our regret that we must be content with the large profits upon our labor, instead of its immense product as shown in the aggregate export of gold.

SEIZED FOR SMUGGLING.—The ship "Baltimore," from Sydney, was last night seized by an officer of the customs for smuggling. The vessel has been in port some days, discharging her cargo, and the captain had once or twice offered a bribe to the officer stationed on board, to permit him to land goods secretly.

We are glad to see our new officers acting promptly, where such flagrant attempts are made by foreign vessels to avoid the payment of the customary duties.

THE GOLD QUARTZ VEIN.—The gold quartz vein beyond Telegraph Hill, the discovery of which was yesterday credited to Col. W. H. Graham and Mr. Root, was discovered by Mr. GEORGE A. MILNOR two weeks previous, and on Sunday last was pointed out to the gentlemen named, who left the specimen at our office.

THROWN FROM A HORSE.—A female equestrian came riding down Kearny street yesterday on a gallop, and suddenly took a lurch on to the sidewalk. A number of gentlemen present rushed to the spot, and assisted the unfortunate female in regaining her steed. There was no particular damage sustained.

THE MAIL STEAMER.—The California left Panama on the 16th, and Acapulco four hours previous to the sailing of the Isthmus. She, of course, had her regular stops to make at the several ports, and will, undoubtedly, make her appearance this morning.

Attempted Assassination.

An infamous attempt to assassinate occurred yesterday, at the corner of Commercial and Leidesdorf streets, at the head of Long Wharf. For some days past, a young man named THOMAS BROWN, had been in the habit of calling at an eating stand kept by a Frenchman named MAITRE, and attempting to get pies and cakes without paying for them, and occasionally abusing the occupant with insulting language. Yesterday, a little after one o'clock, he came up to the stand, deliberately took a piece of pie from the counter, and walked off without paying for it. The proprietor followed, and after exchanging a few words with the thief, struck him. The latter immediately went and procured a pistol, with which he returned to the stand, and commenced abusing the proprietor, who not only ordered him off, but gave him a push, and turned towards the counter again. The villain drew his pistol and deliberately aimed at the keeper's back, and fired. The ball passed through the flesh, just grazing the ribs, inflicting a severe but not dangerous wound. The thief then turned and ran, but was overhauled before he reached Montgomery street, by Mr. THOMAS BATTELLE, and brought back. A great crowd gathered immediately, and in a highly excited state threatened to lynch him, but he was taken finally to the Police office, where he will undergo an examination. The wounded man, we are happy to learn, is doing well.

A more fiendish and cold-blooded attempt to assassinate for so trifling a cause, is not upon record.

"J. M. C." of the Courier, either wilfully misrepresents, or has a peculiar way of multiplying in money estimates, as well as in counting votes for United States Senator. In the latter case he multiplied one by twenty-eight, and as though these figures were yet impressed upon his brain, he uses the same in announcing the expenses of the State Printing. In a letter from San Jose, published yesterday morning, he says, "The printing for both houses thus far, has amounted to over \$150,000."

The inference of course is, that the printing this session has exceeded the sum named, when the fact is, he came about as near the actual amount in making this estimate, as he did in multiplying his strength in the Legislature. "J. M. C." may have "saved the Whig party," but he certainly will not save his credit by making such statements as the one alluded to.

BODIES FOUND IN THE STREETS.—Yesterday, while some workmen were engaged in digging down a sandhill on Sansome street, between Pine and Bush, they suddenly came upon four human bodies, three of which were enclosed in a coffin, and the other, a colored man, merely covered with the clothes in which he probably died. The inhabitants in that vicinity state, that there were a number of persons in that section of the city, who became victims to a violent dysentery which prevailed here last year, and it is probable that the bodies found are the remains of some of the sufferers. They were properly cared for.

THEATRE FRANCAIS.—Do not forget the new bill offered to-night by the fair managers of the Adelphi. If the promise of a rare treat can be made upon a successful rehearsal, no one who will take the trouble to attend to-night need fear disappointment. A friend, who is a capital judge of such matters, assures us that the Vaudeville entitled Les Saltimbanques is one of the most attractive and beautiful ever put upon the stage. The rehearsal last evening was witnessed by several gentlemen, who were delighted with the performance of Mlles. ELISABETH, RACINE and BREHA. In addition to these accomplished ladies, Mlle. ADALBERT appears in Le Petit Fils.

ATTEMPT AT SELF-MURDER.—A Mrs. ROGERS, living on Stockton street, made an attempt on her life, Tuesday, by taking poison, but fortunately she had taken an over-dose of the drug, and was thereby saved the crime of self-murder. These frequent attempts at self-destruction, should be properly spoken of, as the crime deserves, by the public press, for no one has any more right, or is less criminal in making such an attempt, than exists in taking, or attempting to take the life of another.

ASSAULT AND ROBBERY.—Last Tuesday evening, a person, while walking down Pacific street, between 8 and 9 o'clock, was assaulted and robbed by a couple of villains whom he was unable to recognize. The robbers were poorly paid for their trouble, as they only succeeded in obtaining two dollars, and a small pocket knife.

THE PANAMA RAILROAD.—A communication in the Panama Star, from Rev. RICHARD WATERS, states that the ground, from Navy Bay to Gatuine, a distance of three and a half miles, is already prepared for the track, and a large portion of the remainder excavated.

REPORTED SHOOTING OF A SQUATTER.—At a late hour last night, we heard a report that a "squatter" had been shot between this city and the Mission, but could not learn any of the particulars, nor whether the rumor was well founded.

AUCTION SALES.—See the great variety of goods to be offered by several extensive auction houses, this morning. The list embraces almost everything asked for in market.

ARRIVAL OF THE STEAMSHIP



ISTHMUS.

Two-Weeks Later from the Atlantic States.
The steamship Isthmus, Capt. OTTINGER, of Law's Line, came into port about 6 o'clock last evening, from Panama.

We are under special obligations to Dodge & Co., for the prompt delivery of States' papers, on the arrival of the Isthmus. On her trip down, the Isthmus experienced a tremendous storm, but rode it out like a duck.

The Isthmus left Panama on the 15th ult. The dates from New York are two weeks later than those previously received, being to the 28th Dec.

The Isthmus brings 46 passengers, whose names will be found elsewhere. She of course brings no mails.

The California, of the P. M. S. Line, is said to have left Panama on the same day, and one rumor states that she left Acapulco about the same hour with the Isthmus.

R. Barnwell Rhett will most probably be elected Senator from South Carolina.

Two men named Samuel Whitehead and John Stiles were arrested at Panama on the charge of counterfeiting. In searching among their effects, a large and complete set of counterfeiting apparatus, consisting of dies, stamps, and all the necessary machinery, acids, &c., necessary for the making and stamping of Mexican dollars, were found. About \$2000 of the coin, some yet unfinished, were also found. They are mostly of the dates of 1846 and 1847, but others may have been struck, as it is by no means certain all the dies have been discovered. They are made of German silver, and neatly plated with good silver by means of a galvanic battery.

The brig Mechanic, from New York, and schooner Nile, from New Orleans, were recently wrecked at Chagres.

DISASTROUS STEAMBOAT EXPLOSION.—The steamboat "Knoxville," plying between New Orleans and Nashville, was blown up by the bursting of the boilers, at the former city, on the 17th December, killing two men, and wounding seventeen, of which several are not expected to live, and four missing. The boat was completely riddled, and had made but four revolutions of the wheel, just as she was starting for Nashville, when her four boilers exploded, scattering death and devastation.

On the 20th December, the steamboat "Fashion" was blown up at Pittsburgh, killing four persons and wounding six.

BURNING OF THE SOUTH AMERICA.—A correspondent of the N. O. Picayune, writing from Baton Rouge, under date of the 18th Dec., says that on the day previous, the steamboat South America was totally destroyed by fire, about fifteen miles above Bayou Sara, and that over thirty lives were lost by drowning, after jumping overboard. The boat was destroyed in fifteen minutes after the discovery of the fire.

SLAVE EXCITEMENT.—An exciting case of a reclaimed fugitive slave, was occupying the attention of the courts and the people in the city of New York, on the 27th December. The slave's name is Henry Long. He was not given up to the claimant, by the last accounts. There was conflicting testimony as to his being a slave.

New York State Canvass.—The following are the official majorities at the last election in New York, as declared by the canvassers: For Governor, Washington Hunt, Whig, 262.

Lieut. Governor, Sanford E. Church, Dem., 7,314.

Canal Commissioner, John C. Mather, Dem., 1,208.

State Prison Inspector, Wm. P. Angel, Dem., 10,838.

Clerk of Court of Appeals, Charles Benton, the present incumbent, Dem., 6,926.

Against the repeal of the new School Law, 25,139.

WASHINGTON, Dec. 27.

Washington Items.—The abolitionists in Congress have held frequent consultations during the present week, relative to a repeal of the Fugitive Slave Law. Mr. Allen, of Massachusetts, will endeavor to introduce a bill for such a purpose, (but without a hope even of getting it referred) during the ensuing week, to keep alive agitation.

WASHINGTON, Dec. 26.

Congress was so thinly attended to-day, that both Houses adjourned over to Monday, after doing but little business. You will see that Mr. Benton has made war against Dr. Gwin's California Land Claims Bill, because it differs from Col. Fremont's. Mr. Foote, per contra, who opposed Col. Fremont's bill, supports Dr. Gwin. The latter bill will be likely to upset some of the Spanish California land titles.

Seward is more powerful than ever; but if Mr. Corwin should resign, he will lose some of the patronage which he wields. He is an adroit manager, but has too much sense to make a clamor when there is no harm for it. The Union meetings do him no object, for he knows that both parties, or one party composing these Union assemblies, will, at the elections, compromise with and conciliate him.

Accident to the Steamship Ohio.

We have the particulars of a serious disaster that occurred to the U. S. Mail Steamship Ohio, on her trip from New Orleans to New York.

She started from Havana first on the 18th December. Her first revolutions blew out the head of a cylinder and uncoupled the engines. She started again on the 19th with one engine, and made good head-way until the 22d, when she was struck by a heavy gale, was heavily strained and damaged, and compelled to lay to until Monday evening—when she got under way again and sprang a leak at two o'clock on Tuesday morning.

The crew and passengers were unable to keep the water down and the fires were extinguished, ten feet of water was at one time in the hold and all the pumps were put in requisition, and hauling was resorted to, which was continued until Wednesday at noon, without cessation, until the water was low enough to build fires again.

Steam was then put on, and constant bail-

ing was requisite to keep the fires from being extinguished until the vessel reached the wharf at Norfolk on the 27th. Her furniture was all broken with three of the iron braces, and the damage is not less than \$30,000. She would have to be taken into the Dry Dock.

She had on board 400 passengers, more than half of whom were from California.

The Journal of Commerce, of the 25th ult., received after the above was written and in type, says:

"Some of the passengers, brought by the steamer Ohio, to Norfolk, arrived here about 11 o'clock, last evening, by railroad. We learn from the passengers that the damage to the ship is not as great as would be inferred from the telegraphic accounts. The deluge of water in her hull, which rendered it at times difficult to keep her free, was occasioned chiefly by the breaking of one of the supply pipes, at a point where it could not be controlled."

NAVAL COURT MARTIAL.—A naval court martial convened in Washington City on the 16th ult., for the trial of Com. Thomas Catesby Jones, late in command of the Pacific squadron. The principal charges preferred against this gallant officer are, that he used the funds of the Pacific squadron to speculate in gold dust, and that he unlawfully hung two men on board of his ship, the Ohio, in California. A young officer, who suffered punishment under Commodore Jones in California, is said to be his principal accuser.

On the 18th, the Commodore's counsel presented a paper (we copy from a telegraphic report) containing objections to charges of fraud and oppression; that the use of public funds was justifiable, and that the Commodore was compelled by peculiar circumstances to the enforcement of rigid discipline. After the reading of the paper, the court adjourned. On the 18th ult., the court proceeded with the charge of unlawfully hanging two men on board the ship Ohio, in California, without authority from the President, no commander having such power within the United States, unless sanctioned by the Executive. The court decided that Commodore Jones had acted within the laws, or, if not, that it was a case beyond the jurisdiction of the court, and the specification was quashed.

Central America.

BLOCKADE OF SAN SALVADOR.—Advice from Leon de Nicaragua of the date of November 18, represent that a British squadron is blockading the port of San Salvador, and that the ports of Nicaragua are likewise threatened, on account of an alleged seizure of the property of a man calling himself a Mosquito merchant. This man is named Boecher, and is now acting as collector of San Juan, under a commission from the English authorities. He is a German Jew, who disappeared "between two days," from New York, some seven years ago, carrying off property to the amount of several thousands of dollars.

Latest from Europe.

We have dates from Liverpool to the 7th December, and from Paris to the 5th.

The threatened war in Germany, from the current reports seems to have been stayed for the present, and as a matter of course, the influence of the amicable news was almost instantly experienced in various markets.

With regard to Germanic affairs, there seems to be considerable doubt. The Liverpool Times of the 7th, remarks that "the uncertainty whether there is to be peace or war is as great as ever, and the orders for the armaments on both sides have not been suspended." The Ministry at Berlin appear to be in a rather disorganized state, and their proceedings have naturally drawn forth various conclusions and misgivings as to the actual state of the negotiations. If they had been really favorable, the Prussians would have so informed the public. At Vienna the purchase of horses and munitions is still continued. We are told that M. Manetuffel has been thwarted in his endeavor to bring about an arrangement upon the basis proposed by Prince Schwartzburg, and has now submitted a plan of his own; what that plan is we are not informed.

From France our news is not very important, as all political interest is bound up in the German quarrel. The legislative Assembly have declared its neutrality, and in such a tone as to enforce strict obedience to its mandates. It is said that M. Pousignon, the private friend of Louis Napoleon, and late Ambassador at Berlin, has been incessant in urging the President to join Prussia and involve France in the quarrel, but private intrigue, in the present temper of the nation, is innocuous. There have been serious disturbances in some of the departments, but the strong military attitude of the government keeps all quiet.

At Rome there is rather an increased uneasiness about the excitement which has taken place in England on the Papal aggressions. At present every thing is quiet in Lombardy and Turin, but if a war breaks out in Germany, we fear that tranquillity can scarcely be maintained.

CALIFORNIA LEGISLATURE.

TUESDAY, FEBRUARY 4.

IN SENATE.—The Judiciary Committee reported a substitute for the bill granting certain lands to the city of San Francisco. It was made the special order for Wednesday.

The Assembly having refused to concur in the resolution of the Senate, fixing the 20th inst., for the election of U. S. Senator, Messrs. Heydenfeldt, Lippincott, and Cook were appointed a Committee of Conference on the part of the Senate to meet a like Committee from the Assembly, to agree upon a day.

The bond of Gen. Vallejo was presented and referred to the Judiciary Committee.

Mr. Broderick, (having left the chair to Mr. Van Buren), came down into the body of the chamber, and displayed a roll of paper several yards long, and said that a petition had been entrusted to him for presentation, against the bill concerning divorcees. He thought the language was very strong, but he would read it. The petition was signed by some of the principal clergymen, lawyers, physicians, merchants, bankers, and several hundreds of the most respectable citizens of San Francisco. He moved that the petition, notwithstanding it was couched in strange language, be referred to the committee to whom the bill concerning divorcees had been referred. After some discussion it was so referred.

IN ASSEMBLY.—Leave of absence was granted to Mr. Carr, on account of indisposition.

Mr. Hall, chairman of the Committee on Indian Affairs, presented a report, recommending the passage of the war loan bill, or some equivalent measure, without delay. Read and ordered to be printed.

Mr. Campbell, as by notice, introduced a bill to fix the pay of members of the Legislature. This bill is for the benefit of the next, not the present Legislature, and fixes the per diem at \$10.

Senate bill to exempt the homestead and other property from forced sale in certain cases, was read twice and referred to the Judiciary Committee.

The Squatter Shooting Case.

Below will be found the decision of the Recorder, given yesterday, in the case of Capt. J. L. Folsom, charged with an assault with intent to kill NATHANIEL PAGE, on Sunday last. The particulars of the affair have already been sufficiently detailed to our readers.

The Recorder has decided the matter on the merits and evidence before him, and we trust it will have an important bearing on all such questions in dispute, or law, in the future. It will certainly have a tendency to prevent a heretofore much feared system of acts of squatterism, without a shadow of right or title, other than taking possession, either forcibly or peaceably. This is one point gained, which cannot be resisted either in law or force. Those who are inclined to dispute title with an asserted owner of land or lots, and in whose possession such property has been known to exist, and admitted by actual possession, such as occupancy, or receiving of rents, &c., must resort to the law for the decision of the matter, instead of squatting down upon the premises, and then declaring that by such act they are the real owners of it. Such a practice is unlawful, and unsustained by legal right or justice, in its mildest construction. This decision of the case cannot but give satisfaction to every good and law-abiding citizen, and, as we have said before, will have a most beneficial effect for the future.

In the case of F. O. WAKEMAN, clerk of, and impleaded with, Capt. Folsom, in the charge, in having fired a pistol three times at Mr. PAGE and his men, on the same occasion, it was proved conclusively that there were no balls in the pistol, and that he held it considerably over their heads when he fired. Under this evidence, the Recorder acquitted him of the charge, but fined him \$50 for violating a city ordinance in regard to firing of pistols or guns within the boundaries of the city.

People of the State of California vs. J. L. Folsom, charged with an assault with intent to kill.

The prosecution charges the defendant with an assault with intention to commit murder. It is requisite that the assault should be attended with that degree of malice expressly implied, which is essential to the crime of murder. Fortunately for the purposes of justice, all the material facts of the case rest upon the testimony of intelligent and disinterested witnesses. It appears, that on last Sunday, the defendant, J. L. Folsom, proceeded with others, whose number has been variously estimated, to a lot between Sacramento and Halleck streets, in this city. On arriving at the ground, he found a Mr. Page, one of the State witnesses, engaged with several other persons in building a bridge or pier over the lot in question.

Capt. Folsom remarked, "this must stop." Page replied, "I am on my own ground, and I intend to defend it." Folsom then struck with an axe at or upon one of the posts. Page stepped back, took up an axe, and made a violent blow at defendant, and but for a rapid movement of his person, would have inflicted a serious injury. Folsom struck back; Page either gave a second stroke, or held his axe in a threatening manner, when Folsom drew a pistol, (a revolver), presented and fired it. The pistol was not again discharged. Did the evidence close at this point, I should consider it my duty to remand the defendant, to the Court possessing final jurisdiction. Had Page been in reality on his own ground, or in the lawful possession of his own property, a forcible attempt of the defendant, to disturb him in the enjoyment of it, would have been a serious breach of the peace. Had Capt. Folsom committed an offense against the property of another, and whilst so engaged, been assaulted by that person, he would have been responsible for the consequences. But what are the facts of the case? It is in proof, that Folsom, as the agent of the Leidesdorf estate, has been in peaceable possession of this property since 1849. A possession not merely constructive, but evidenced by actual occupancy—the receipts of rents, and other acts of control and ownership. What right, then, had Mr. Page on these premises? Had he been there as a tenant on a verbal or written lease, or even as a tenant by sufferance, he might, according to some late decisions, have maintained his action of trespass for injury to his possession. But he was there as a wrong doer, a trespasser, in violation of the law, and without the shadow of right. In similar cases, the courts have decided that the landlord has the right summarily to eject the trespasser, and remove from his property, any building placed upon it. A recent decision of one of the highest tribunals of England, declaratory of the common law, bears directly upon this point, and is well adapted to the unhappy state of affairs which too generally prevails in our city. The learned Judge says:

"I think it very important that it should be distinctly understood, that wrong-doers, who willfully and dishonestly, taking possession of the land of another, are altogether mistaken if they imagine that they can acquire rights of habitation upon the land. Many instances have happened of habitations being thus built in a single night, and to suppose that the owner of the land may thereby be deprived of some of his rights, is a misapprehension."

[Court of Queen's Bench, Burden vs. Reed et als.]

A serious error seems to exist relative to the rights of holders of real estate. The law confers on a man the same right to defend and maintain against aggression his feehold as his personal property. Surely, if he citizens who purchase land in good faith, improve and adorn with their labor and capital the soil of their country, are entitled to the protection of the laws equally with the owners of personal property. Except life and liberty, there are no rights more essential to American prosperity than those which guard the possession of real estate. The statute law of California enacts that resistance by a party about to be injured may be made "to prevent an illegal attempt by force to take possession of his lawful possession," or injury property in his lawful possession. [An act to regulate proceedings in criminal cases, part 2, title 1, sec. 16.] With this view of the law and the testimony, I have come to these conclusions:

1st. The defendant, J. L. Folsom, in ejecting from the lot where this assault is alleged to have occurred, a trespasser and wrong-doer, and in removing a building placed thereon, was engaged in a lawful and justifiable act.

2d. That he used no more violence in the prosecution of this purpose, than was necessary under the circumstances.

The charge of assault, with an intent to murder, is therefore dismissed, and the defendant discharged from custody.

No Sacramento news received last night.

Record of the City Courts.

Wednesday, Feb. 5.

SUPERIOR COURT.—Hon. H. C. Murray, Chief Justice, and J. C. Smith, Associate Justice. Wm. M. Burgoyne and John V. Plume vs. Jesse B. Hart.—Judgment for plaintiff in the sum of \$1037 50, with interest at the rate of six per cent per month, until paid, together with costs of this suit, to be paid by plaintiff. Whitney et al. vs. Thompson et al.—Ordered that time be given to defendants to file a cross bill until Monday next, and that all further proceedings be stayed.

Melhado vs. Crane & Rice.—Motion for a new trial postponed.

John S. Manson vs. J. B. Steinberger and Frederic J. Thibault.—Ordered that defendant have leave to file an answer. Chetwood for plaintiff.

Birkenshaw vs. Salmon.—The defendant's bail having surrendered his principal by delivering him into the hands of the Sheriff, the defendant's counsel moves the court that the order of arrest be vacated. Both parties agree that the matter shall stand until Saturday next, and that until then defendant be at liberty upon his word, and that of his counsel, John Satterlee, Esq.

PROBATE COURT.—Before Judge Morrison. In matter of Elizabeth B. Gould, guardian of Josephine Olivia Keyes and Martha Elizabeth Keyes.—Upon filing bonds with proper sureties, it is ordered that he be appointed guardian of the persons and property of each respectively, and that he have all powers, rights, duties and liabilities, as is conferred on him by law.

In matter of the estate of Wm. P. Grinnell, deceased.—Ordered that John Haskin, John Marshall, and H. P. Carr, be appointed appraisers in the above estate.

In matter of the estate of Jose C. Bernal, deceased.—Witnesses examined, and arguments concluded, and matter taken under advisement by the court.

In matter of the estate of Wm. P. Grinnell, deceased.—Ordered that John F. Pope, Administrator of the above estate, be allowed to sell decedent's interest in the bark Pantheon, at private sale, immediately upon entering of this order.

COUNTY COURT OF APPEALS.—Hon. R. N. Morrison presiding.

Wm. H. Foster vs. M. L. Mott, T. J. Tucker and J. W. Jenkins. Judgment of the lower Court reversed with costs. Gilman for plaintiff.

Samuel T. Thompson vs. George W. Grayling et al. Ordered that the plaintiff be nonsuited. Judah for defendant.

B. Courtois vs. J. T. Hungerford. Judgment of the Court below reversed with costs. Mount for defendant.

Thomas White vs. W. C. Perkins. Ordered that demurrer be sustained, and judgment entered in favor of the defendant.

Thomas White vs. Capt. Frazer. Ordered that demurrer be sustained, and judgment entered for the defendant.

G. W. Simmons vs. W. Thompson. Cause argued and held under advisement.

W. H. Foster vs. M. L. Mott. Ordered that the judgment of reversal granted this morning be vacated, and that the cause be placed on the calendar for trial. Clark for plaintiff.

DISTRICT COURT.—Hon. Levi Parsons, presiding.

Albert Priest vs. Manrow & Meeks.—Judgment by default entered.

J. H. Storm vs. Robbitt & Bucklin.—New trial granted.

People vs. Samuel G. Moore.—Defendant arraigned and pleaded not guilty.

Dewey & Heiser vs. L. B. Norris.—Judgment for defendant in the sum of \$667, with interest at the rate of ten per cent per annum until paid.

J. R. Bidleman vs. Stevenson & Parker.—Judgment by default entered against defendants, in the sum of \$1637 25.

Sample & Murphy vs. J. T. Lastie.—Judgment by default made final against defendant, in the sum of \$2504.

R. Killaby vs. John McCormack, et al.—Two days time given for defendant to answer.

Elin S. Marsh vs. Sylvester F. Peck.—Judgment for plaintiff in the sum of \$900, with interest at the rate of ten per cent per month from the 26th of Oct. until paid; also for \$400 from the 31 of November, with ten per cent per annum until paid.

Blackburn & Thompson vs. Francisco Hauss. Judgment amended.

F. W. Lovett & Co. vs. Francisco Hauss. Judgment by default made final in the sum of \$382 50.

Hill vs. Galpin et al. Judgment for plaintiff in the sum of \$291 50.

Moore & Folger vs. Francisco Hauss. Judgment by confirmation in the sum of \$688 47, and lien given on a two story frame house on north side of Jackson street, between Kearny and Dupont, known as the Monument House.

Oaksmith et al. vs. E. L. Finch. Judgment in the sum of \$600 for plaintiff.

RECORDER'S COURT.—Hon. F. Tilford, presiding.

John Davis and Charles Prendet, for a breach of the peace, were discharged; Edward Swift, for same offense, was discharged.

John Martin, for a larceny, was discharged. Keeper of Wilson's Exchange, for a nuisance, was discharged.

A. H. Sibley, for the obstruction of streets, was discharged.

